(2)

No. 04-447

Supreme Court, U.S.
FILED
DEC 30 2004
OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

ALICE CLISSURAS,

Petitioner,

v.

CONCORD VILLAGE OWNERS INC. and
DOUGLAS ELLIMAN-GIBBONS & IVES INC.,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF THE
STATE OF NEW YORK

PETITION FOR REHEARING OF ORDER DENYING AND FOR DETERMINATION OF APPELLANTS' PETITION FOR WRIT OF CERTIORARI

ALICE CLISSURAS
Petitioner pro se
215 Adams Street
Brooklyn, NY 11201
(718)875-6171

REASONS FOR REHEARING OF ORDER DENYING AND FOR DETERMINING OF APPELLANT'S PETITION FOR WRIT OF CERTIORARI

1. The Orders of Kings County (4) are void due to inter alia, failure of the Trial Court to determine plaintiff's Motions to Dismiss the Defendants for failure to respond to and defend against plaintiff's prima facie complaint with four causes of action. (App. for Writ, A.12-24)

2. The Orders of the Appellate Division, Second Department, are void and should not be allowed to stand due to, inter alia, failure to determine plaintiff's Appeals and Motions to Vacate and due to failure to address and correct the manifest errors of Kings County. (App. for Writ, A.4-11)

3. The Orders of the Court of Appeals should not be allowed to stand

due to, inter alia, failure to determine plaintiff's appeals and motions and due to failure to address and correct the manifest errors of the Appellate Division, 2d. (App. for Writ, A.1-3)

4. The Order of this Court is void due to, inter alia, absence of detemination of Petitioner's request for Writ of Certiorari to the Court of Appeals and the absence of correction of manifest errors of the Court of Appeals. (Appendix attached hereto, A.1)

ALL PARTIES AND THEIR ATTORNEYS

For Plaintiff-Appellant:

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J.D. Degree, no license

N.Y.S. Ct. of Ap., Mo.No.423(2004)

App.Div.2d, Case Nos. 2001-08946, 2002-02114

Kings Co. Clerk's Index No.6067/91

For Defendants-Respondents:

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TABLE OF CONTENTS

Page

REASONS FOR REHEARING OF ORDER DENYING AND FOR DETERMINING OF APPELLANT'S PETITION FOR WRIT OF CERTIORARI . . . i

ALL PARTIES AND THEIR ATTORNEYS . . iii

TABLE OF CONTENTS iv

TABLE OF AUTHORITIES iv

REASONS FOR REHEARING 6
(Argument)

APPENDIX

ORDER, SUPREME COURT OF THE UNITED STATES A.1

TABLE OF AUTHORITIES

CONSTITUTIONAL PROVISIONS

U.S.Const.Amends. V,VII,XIV 5

Const. of N.Y., Art.I-§1 Art.I-§2, Art.I-§11. 5

CASES, STATUTES, REGULATIONS: APPENDIX IN SUPPORT OF APPELLANTS' PETITION FOR WRIT OF CERTIORARI

By Incorporation: vi, vii

CERTIFICATION OF PETITIONER: UNNUMBERED, FOLLOWS A.1

No. 04-447

IN THE

SUPREME COURT OF THE UNITED STATES

ALICE CLISSURAS, Mo.No.423(2004), v.
CONCORD VILLAGE OWNERS INC. and
DOUGLAS ELLIMAN-GIBBONS & IVES INC.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF THE
STATE OF NEW YORK

PETITION FOR REHEARING OF ORDER DENYING AND FOR DETERMINATION OF APPELLANT'S PETITION FOR WRIT OF CERTIORARI

TO THE HONORABLE, THE CHIEF JUSTICE and
ASSOCIATE JUSTICES OF THE SUPREME COURT
OF THE UNITED STATES:

Alice Clissuras (AC), petitioner pro se, in this proceeding, respectfully petitions the Court for rehearing and determining of Order entered December 6, 2004, denying Appellant's Petition for Writ of Certiorari to the Court of Appeals of the State of New York. (A.1, attached hereto.)

Petitioner makes this request for reconsideration and determination of Petitioner's Request for Writ, as of right, on grounds that from the inception of plaintiff's case, fourteen years ago, the defendants, Concord Village and Douglas Elliman, have not: answered, responded to, or argued against plaintiff's prima facie Complaint, by which a complete case for bodily injury, property damage, harassment, and breach of fiducial duty, is presented.

Plaintiff has tendered evidence and argued the causes sufficiently to make a prima facie showing of entitlement to judgment as a matter of law. The total absence of response on the part of defendants clearly exhibits defendants' admission of default and the absence of any material issues of fact.

The only argument the defendants have made or make is something to the

effect that, no matter what plaintiff is moving or appealing: it was decided earlier, plaintiff's request is frivolous, plaintiff should be sanctioned, and the cause is dismissed or denied.

Defendants do not identify what was decided earlier and do not argue the issues because there is no earlier decision and defendants do not have any argument to make against plaintiff's case.

The Courts overlook the failure of defendants to respond to plaintiff's prima facie Complaint and evidence, the failure to serve a duly verified answer in fourteen years, and the failure to argue and respond to plaintiff's Motions and Appeals.

The unlawful taking of plaintiff's due process, equal protection, and trial rights is clearly visible in the papers used for the instant appeal.

Kings County denied four Motions due to non-existent earlier decisions, imposed sanctions without grounds, and did not determine plaintiff's Motions for Dismissal of Defendants. (App. to Petition for Writ, A.12-24)

On Appeal, Appellate Division, 2d, dismissed the appeal by converting plaintiff's Motions to Vacate to Motions for Reargument, without grounds, to make them unappealable; by imposing sanctions without stated cause; and by not determining plaintiff's Appeal and Motion to Vacate. (App. to Petition for Writ, A.4-11.)

On Appeal, the Court of Appeals, of the State of New York, dismissed Appellant's Appeal from Appellate Division, 2d, as untimely, without stated cause; dismissed Court Orders contained in Court letters as unappealable, without stated cause, and did not determine

Appellant's Appeal and Motion to Vacate. (App. to Petition for Writ, A.1-3)

Plaintiff has been unjustly deprived of rights pursuant to U. S. Constitution, Amendments V and XIV for due process and equal protection of the laws and Amendment VII for right to trial.

Similarly, plaintiff has been unjustly deprived of rights pursuant to N. Y. Constitution, in relevant parts:

> Art.I-§1 [Equal rights to all citizens.] No member of this state shall be disenfranchised, or deprived of the rights or privileges secured to any citizen thereof,....
>
> Art.I-§2 [Right to trial by jury;] Trial by jury in all cases in which it has heretofore been guaranteed by constitutional provision shall remain inviolate forever;....
>
> Art.I-§11 [Equal protection of laws] No person shall be denied the equal protection of the laws of this state or any subdivision thereof.

The violations of the Constitutions and the Laws have continued nonstop from the making of this case, to present.

REASONS FOR REHEARING, DETERMINING, AND VACATING ORDER DENYING PETITION FOR WRIT OF CERTIORARI

Petitioner, Alice Clissuras, requests rehearing and determination of the December 6, 2004, Order, denying Appellant's Petition for Writ of Certiorari for the following additional reasons:

(1) That plaintiff's case against Concord Village and Douglas Elliman is not in the Court computers and is not docketed. Kings County, Appellate Division, Court of Appeals, and this Court have not produced a docket.

(2) That not one Court, with the exception of Kings County, has issued a signed order.

(3) That not one Court has made a statement or made any findings of fact or of law of its decision of an Appeal or of a Motion and the reasons for it.

(4) That the defendants have not asserted that issue has been joined; have not countered plaintiff's case for default; and have not produced a shred of controverting evidence.

(5) That plaintiff's Motions to Kings County for judgment by default remain undetermined, to present.

(6) That plaintiff's appeals to Appellate Division, Court of Appeals, and this Court, remain undetermined to present.

(7) That the Courts overlook defendants' default, defendants' failure to respond, and defendants' violations of the laws.

As a result of not determining: plaintiff's Motions to Kings County; appellant's Appeals and Motions to Appellate Division and Court of Appeals; and Petitioner's Petition for Writ of

Certiorari, the Motions, Appeals, and Petition are all open and must be determined before any dismissals of Appeals can lawfully be made.

As a result of overlooking defendants' violations of the laws, all of the Orders are void, by manifest errors of all of the Courts; and

As a result of defendants' failure to respond to plaintiff's prima facie case and evidence, the defendants are in default and have been since 20 days after the service of the Complaint in February of 1991, without joinder of issue and without the right to continue in this action, by law.

Thus, the Orders issued, in this case, are unenforceable. There can be no enforcement, by law, since there is no law which can be used to shield wrongdoers.

As to all of the above, it is clear that justice has not been served or even considered. Kings County issued void and unenforceable orders, which Appellate Division, 2d, should have corrected. However, Appellate Division, 2d, made the same errors, which should then have been corrected by Court of Appeals. However Court of Appeals also issued open, void, and unenforceable orders.

Petitioner respectfully requests this Court's supervisory power to correct the manifest and plain errors of the above Courts, which errors are beyond the jurisdiction of the Courts. (Supreme Court Rule 10)

Petitioner requests a Court statement informing Petitioner of the status of her case.

And, petitioner requests judgment by default against the defendants, on the law.

Lest any one think that petitioner is repetitious in argument, in order for reargument to be sanctionable, a **decided** matter with specific evidentiary support must be identified. In this case petitioner is seeking decisions.

Lest any one think that petitioner is causing delays, look to those who have not answered for 14 years, and who have abused petitioner for 14 years.

Petitioner respectfully requests grant of the Petition for Writ and requests a well deserved and well earned judgment by default against defendants.

Respectfully submitted,

ALICE CLISSURAS
Petitioner, pro se
215 Adams Street
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(718)875-6171

Supreme Court of the United States
Office of the Clerk
Washington, DC 205-43-0001

William K. Suter
Clerk of the Court
(202)479-3011

December 6, 2004

Ms. Alice Clissuras
215 Adams Street
Brooklyn, NY 11201

Re: Alice Clissuras
v. Concord Village Owners, Inc, et al.
No. 04-447

Dear Ms. Clissuras:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied.

Sincerely,

William K. Suter
(Stamped)

William K. Suter, Clerk

SUPREME COURT OF THE UNITED STATES

No. 04-361

Alice Clissuras, Petitioner

v.

Concord Village Owners Inc. and
Douglas Elliman-Gibbons & Ives Inc.,
Respondents

CERTIFICATION OF PETITIONER

Petitioner, Alice Clissuras, pro se, certifies that the Petition for Rehearing to which this Certification is bound is restricted to the grounds specified in Supreme Court Rule 44 and that it is presented in good faith without any intent of delay.

Petitioner seeks determination of the issues. Any delays that occur can be attributed to those who do not respond.

_____

ALICE CLISSURAS
Petitioner pro se